

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services hereby gives Notice of Intended Action to amend Chapter 73, “Managed Care,” Iowa Administrative Code.

These proposed amendments update the Iowa Administrative Code to reflect revised federal standards for the resolution of appeals to managed care organizations (MCOs).

1. The revised federal regulations (42 C.F.R. § 438.408(b)(2)) require nonexpedited appeals to be resolved within 30 calendar days of the plan’s receipt of the request (unless an extension is requested), whereas paragraph 73.12(2)“d” currently requires resolution within 45 calendar days.

2. The revised federal regulations (42 C.F.R. § 438.408(b)(3)) require that expedited appeals be resolved within 72 hours, whereas paragraph 73.12(2)“e” currently requires resolution within three business days.

Any interested person may make written comments on the proposed amendments on or before January 9, 2018. Comments should be directed to Harry Rossander, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, Fifth Floor, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by email to policyanalysis@dhs.state.ia.us.

These amendments do not provide for waivers in specified situations because requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 249A.4.

The following amendments are proposed.

ITEM 1. Amend paragraph **73.12(2)“d”** as follows:

d. Provide for resolution of nonexpedited appeals to be concluded within ~~45~~ 30 calendar days of receipt of the request unless an extension is requested.

ITEM 2. Amend paragraph **73.12(2)“e”** as follows:

e. Provide for resolution of expedited appeals where the standard time period could seriously jeopardize the member’s health or ability to maintain or regain maximum function to be within ~~three business days~~ 72 hours of receipt of the notice pursuant to federal funding requirements, including 42 CFR 438.402 as amended to October 16, 2015.